
By: **Delegate Mohorovic**
Introduced and read first time: January 15, 2001
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Military Service Credit - District of Columbia National Guard**

3 FOR the purpose of authorizing certain members of State retirement and pension
4 systems to receive service credit for military service as a member of the District
5 of Columbia National Guard; providing for a certain limit to the military service
6 credit; altering a certain definition; and generally relating to military service
7 credit for District of Columbia National Guard members.

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 38-101(d) and 38-104
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Personnel and Pensions**

16 38-101.

17 (d) "Military service" means:

18 (1) induction into the armed forces of the United States for training and
19 service under the Selective Training and Service Act of 1940 or a subsequent act of a
20 similar nature;

21 (2) membership in a reserve component of the armed forces of the United
22 States on active duty or ordered or assigned to active duty;

23 (3) enlistment into the armed forces of the United States;

24 (4) membership in the Maryland National Guard; [or]

25 (5) MEMBERSHIP IN THE DISTRICT OF COLUMBIA NATIONAL GUARD; OR

1 (6) with respect to a person separated from employment on or after July
2 1, 1991, active duty with the commissioned corps of the Public Health Service, the
3 National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey
4 from:

5 (i) December 7, 1941, to December 31, 1946, both inclusive;

6 (ii) June 25, 1950, to January 31, 1955, both inclusive; or

7 (iii) December 22, 1961, to May 7, 1975, both inclusive.

8 38-104.

9 (a) Except as provided in subsection (b) of this section, a member of a State
10 system, who has not met the conditions set forth in § 38-103(a)(2) through (4) of this
11 subtitle, is entitled to receive service credit for military service only on the attainment
12 of 10 years of creditable service.

13 (b) (1) A member of a State system may not receive credit for that military
14 service if the member receives credit for military service from another retirement
15 system for which retirement benefits have been or will be received by the member.

16 (2) Paragraph (1) of this subsection does not apply to:

17 (i) credit for military service provided under:

18 1. the Social Security Act;

19 2. the National Railroad Retirement Act; or

20 3. Title 3 or Title 10, Chapter 67, §§ 1331 through 1337 of the
21 United States Code; or

22 (ii) disability payments from a pension or retirement system.

23 (3) (i) Military service credit under this section may not exceed 5
24 years.

25 (ii) Subject to subparagraph (i) of this paragraph, for military
26 service with the Maryland National Guard OR DISTRICT OF COLUMBIA NATIONAL
27 GUARD, a member shall receive service credit at the rate of 4 months for each full year
28 of service with the Maryland National Guard OR DISTRICT OF COLUMBIA NATIONAL
29 GUARD, not to exceed a total of 36 months.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2001.